



State Water Resources Control Board



Linda S. Adams

*Secretary for
Environmental Protection*

Division of Water Rights

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Arnold Schwarzenegger

Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATIONS:	31595 and 31596	COUNTY:	El Dorado
DATE FILED:	May 24, 2005	STREAM SYSTEM:	Rubicon and South Fork American Rivers

Notice is hereby given that Sacramento Municipal Utility District (SMUD) has filed two applications for water right permits to divert water for use in hydroelectric projects that have been licensed by the Federal Energy Regulatory Commission (FERC). The State Water Resources Control Board (State Water Board) will determine whether water right permits should be issued for the applications and, if so, whether conditions are needed in the permits to protect prior water rights of downstream water users. This notice provides a description of the proposed project and also describes the procedure and time frame for submittal of protests against the applications. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Sacramento Municipal Utility District
c/o Joseph S. Schofield
Downey Brand LLP
555 Capitol Mall, 10th Floor
Sacramento, CA 95814

Description of Project

The Upper American River Project (UARP) is a hydroelectric development that is owned and operated by SMUD. The project is located in El Dorado County and utilizes the water resources of the Rubicon River, Silver Creek and South Fork American River watersheds. The hydropower project is currently licensed under FERC Project No. 2101 and SMUD is currently applying for FERC re-licensing of the UARP.

The UARP consists of eleven dams and eight power plants that provide up to 688 megawatts (MW) of electricity to customers within SMUD's service boundaries. SMUD currently holds five water right licenses and one water right permit to operate the UARP. SMUD filed the two applications described in this notice in order to ensure that it has adequate water rights for all of its current water diversions and uses. SMUD does not propose to build any new facilities if it receives permits pursuant to the applications described in this notice. SMUD's existing water rights are as follows:

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NOTICE OF WATER RIGHT APPLICATIONS 31595 & 31596

License/ Permit	Source(s)	Quantity		Quantity Cap	Diversion Season	Beneficial Use
		Direct Diversion	Storage			
License 11073 (A12323)	South Fork Silver Creek	400 cubic feet per second (cfs) at Ice House, Union Valley, Junction, and Camino Dams	49,700 acre-feet annually (afa) in Ice House Reservoir	459,300 ¹ afa (max. total storage 238,900 afa)	Direct diversion: 1/1– 12/31 Storage: 10/1 – 7/31	Recreation, Power at Jones Fork, Union Valley, Jaybird, Camino, White Rock, Slab Creek, and Chili Bar Powerhouses
	Silver Creek		195,000 afa in Union Valley Reservoir			
License 11074 (A12624)	Rubicon River	500 cfs at Rubicon Dam	450 afa in Rubicon Reservoir, 440 afa in Buck Island Reservoir, 92,000 afa in Loon Lake Reservoir, 141,500 afa in Union Valley Reservoir	281,100 ² afa (max. total storage 226,900 afa)	Direct diversion: 1/1-12/31 Storage: 10/1 – 7/31	Recreation, Wildlife Protection and Enhancement, Power at Loon Lake, Robbs Peak, Union Valley, Jaybird, Camino, White Rock, Slab Creek, and Chili Bar Powerhouses
	Little Rubicon River (aka Rockbound Creek)	200 cfs at Buck Island Dam				
	Gerle Creek	325 cfs at Loon Lake and Gerle Dam				
	South Fork Rubicon River	175 cfs at Robbs Peak Dam				
License 10495 (A14963)	Silver Creek	400 cfs at Union Valley, Junction, and Camino Dams	n/a	n/a	Direct diversion: 1/1-12/31	Power at Union Valley, Jaybird, Camino, White Rock, Slab Creek, and Chili Bar Powerhouses
	South Fork American River	800 cfs at Slab Creek and Chili Bar Dams	n/a	n/a		

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License/ Permit	Source(s)	Quantity		Quantity Cap	Diversion Season	Beneficial Use
		Direct Diversion	Storage			
License 10496 (A20522)	South Fork American River	1,900 cfs at Brush Creek, Slab Creek and Chili Bar Dams	n/a	n/a	Direct diversion: 1/1-12/31	Power at White Rock, Camino, Slab Creek and Chili Bar Powerhouses
	Brush Creek					
License 10513 (A22110)	South Fork American River	800 cfs ³ at Slab Creek and Chili Bar Dams	n/a	n/a	Direct diversion: 1/1-12/31	Power at White Rock, Chili Bar and Slab Creek Powerhouses
Permit 19025 (A26768)	South Fork Silver Creek	270 cfs at Ice House Dam	60,000 afa in Ice House and Union Valley Reservoir s	n/a	Direct diversion: 1/1-12/31 Storage: 10/1-7/31	Power at Union Valley and Jones Fork Powerhouses

¹ The total amount of water to be taken from the sources (direct diversion plus collection to storage) shall not exceed 459,300 afa. The total amount of water to be placed to beneficial use (flow through Jaybird Powerhouse) under License 11073 and License 10495 shall not exceed 528,400 afa.

² The quantity of water to be put to beneficial use at Robbs Peak Powerhouse shall not exceed 250,000 afa.

³ The maximum average amount diverted in any 30-day period through the White Rock Powerhouse from Slab Creek Dam under Licenses 10513, 10495 and 10496 shall not exceed 3,500 cfs.

Operation of the UARP

Diversions made at the uppermost UARP facilities are discharged and rediverted at downstream facilities in a stair step fashion until being released into the lower South Fork American River tributary to Folsom Lake. The uppermost facilities divert from the Rubicon River, Little Rubicon River, Gerle Creek and South Fork Rubicon River, the water of which under natural conditions would drain into the Middle Fork American River. SMUD's system of diversions for the UARP is as follows:

- 1) The UARP begins at the point where water is diverted from the Rubicon River into Rubicon Reservoir, then transferred via tunnel to Rockbound Lake. Rockbound Lake also receives water from Little Rubicon River (aka Highland Creek/Rockbound Creek). Rockbound Lake flows into Buck Island Reservoir, and the flow is then released, via tunnel, into Loon Lake Reservoir. Loon Lake water travels 1,200 feet straight down to the underground Loon Lake Powerhouse (82MW).
- 2) Water discharged from Loon Lake Powerhouse is conveyed via a 3.8-mile-long tunnel to Gerle Creek Reservoir, which also receives water from Gerle Creek. Water is diverted from Gerle Creek Reservoir,

via Gerle Canal, to Robbs Peak Reservoir, located on the South Fork Rubicon River.

- 3) From Robbs Peak Reservoir, water is conveyed to Robbs Peak Powerhouse (29MW), located on the Union Valley Reservoir shoreline. From Robbs Peak Powerhouse, water enters Union Valley

Reservoir, located on Silver Creek. Ice House Reservoir diverts water from the South Fork Silver Creek to Jones Fork Powerhouse (11.5 MW), also located on the Union Valley Reservoir shoreline.

- 4) Water is released from Union Valley Reservoir through Union Valley Powerhouse (46.7 MW) into Junction Reservoir. From Junction Reservoir, water travels through the Jaybird Tunnel to the Jaybird Powerhouse (144 MW). Water then enters the Camino Reservoir, and is diverted to the Camino Powerhouse, with supplemental water added to the conveyance tunnel from Brush Creek Reservoir, which receives water from Brush Creek.
- 5) Water exiting the Camino Powerhouse (150 MW) is discharged into the South Fork American River, just upstream of Slab Creek Reservoir. At the base of Slab Creek Dam is a small generator used to produce power (0.4 MW) from the water released for minimum instream flows. Water diverted from Slab Creek Reservoir is conveyed via a tunnel and penstock to the final and largest powerhouse – White Rock (224 MW). At about 1,000 feet in elevation, the White Rock Powerhouse discharges return water into the South Fork American River just upstream of Chili Bar Reservoir, part of the Chili Bar Hydroelectric Project, owned and operated by Pacific Gas and Electric Company.

Applications 31595 and 31596

SMUD filed two applications: 1) Application 31595 covers diversions from Rubicon River sources; and 2) Application 31596 covers diversions from Silver Creek and South Fork American River sources. The applications involve the use of SMUD's existing facilities, including storage in reservoirs that is not currently authorized by SMUD's existing water right licenses and permit. Water proposed to be stored under these applications will not exceed the quantity that SMUD is currently licensed to store under Licenses 11073 and 11074. SMUD contends that this application does not propose a project that will change the historical operations of UARP.

Application 31595 requests a permit to directly divert water from Rubicon River sources to maximize use of its existing conveyance and power generation facilities. Because the water will be moved from the Middle Fork American River watershed to the South Fork American River watershed, it will flow into Folsom Lake by an alternate channel system. The water will be used for nonconsumptive power generation.

SMUD also seeks to store water under the permit requested in Application 31595. The water will be stored in four existing reservoirs: 1) Rubicon Reservoir; 2) Buck Island Reservoir; 3) Gerle Creek Reservoir and 4) Robbs Peak Reservoir. The water will be stored for later release to provide for downstream recreational uses, releases for fish enhancement, and maximum power generation.

Application 31596 requests a permit to divert water to storage from the Rubicon River, Silver Creek and South Fork American River systems. The storage reservoirs include the following: 1) Camino Reservoir; 2) Junction Reservoir; 3) Brush Creek Reservoir and 4) Slab Creek Reservoir. SMUD seeks the additional storage in order to maintain consistent reservoir levels to maximize efficiency of power generation and to provide a higher water surface for recreation. SMUD has historically operated these reservoirs at or near their storage capacities and issuance of a permit on Application 31596 would ensure that SMUD has adequate water rights for that storage. The stored water will consist of a mix of new diversions and of rediversions of water discharged from existing UARP facilities upstream.

Fully Appropriated Stream Status of the American River and its Tributaries

Silver Creek and the American River and their tributaries are listed as fully appropriated under Water Right Order 98-08, the Declaration of Fully Appropriated Stream Systems (Declaration). Water right applications filed for diversions from stream systems that have fully appropriated status under the Declaration are subject to special conditions for acceptance by the Division, including limitations on seasons of diversion. However, the Declaration allows acceptance of water right applications that propose non-consumptive use of water from the sources identified in the Declaration. Section 4.1 of the Declaration states in part that, "For the purpose of this condition, non-consumptive use means a use of water which does not substantially diminish the quantity or quality of water in the source and does not regulate the flow in the source in such manner as to impair any other existing reasonable and beneficial use, including instream use. Non-consumptive use includes, but is not limited to, power use."

Water directly diverted under these applications will flow to Folsom Lake undiminished in quantity via the South Fork American River instead of the Middle Fork. SMUD made a *prima facie* case to the Division for its applications to fall within the definition of non-consumptive use under the Declaration. Accordingly, the Division accepted and is noticing the applications. However, the acceptance and notice of these applications does not constitute a definitive finding by the Division or the State Water Board that: 1) the proposed use does not substantially diminish the quantity or quality of water in the source; or 2) the proposed use does not regulate the flow in the source in such a manner as to impair any other existing reasonable and beneficial use, including instream use. Parties may protest and submit evidence on whether the proposed diversions interfere with an existing right. The State Water Board will make a final determination regarding this issue after proper notice to interested parties and a hearing, if necessary.

Summary of Application 31595

County: El Dorado

Points of Diversion (POD) and Sources:

POD 1) Rubicon Reservoir

Source: Rubicon River tributary to Middle Fork American River thence American River;

Location: within the NW ¼ of SW ¼ of Section 9, T13N, R16E, MDB&M.

POD 2) Buck Island Reservoir

Source: Little Rubicon River (aka Rockbound/Highland Creek) tributary to Rubicon River thence Middle Fork American River thence American River;

Location: within the SW ¼ of the NW ¼ of Section 6, T13N, R16E, MDB&M.

POD 3) Loon Lake Reservoir

Source: Gerle Creek tributary to South Fork Rubicon River thence Rubicon River thence Middle Fork American River thence American River;

Location: within the SE ¼ of the NE ¼ of Section 5, T13N, R15E, MDB&M.

POD 4) Gerle Creek Reservoir

Source: Gerle Creek tributary to South Fork Rubicon River thence Rubicon River thence Middle Fork American River thence American River;

Location: within the SE ¼ of the SW ¼ of Section 15, T13N, R14E, MDB&M.

POD 5) Robbs Peak Reservoir

Source: South Fork Rubicon River tributary to Rubicon River thence Middle Fork American River thence American River;

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Location: within the SW ¼ of the NE ¼ of Section 27, T13N, R14E, MDB&M.

Points of Rediversion (PORD):

- PORD 1) Buck Island Reservoir located within the SW¼ of the NW¼ of Section 6, T13N, R16E, MDB&M;
- PORD 2) Loon Lake Reservoir located within the SE¼ of the NE¼ of Section 5, T13NR15E, MDB&M;
- PORD 3) Gerle Creek Reservoir located within the SE¼ of the SW¼ of Section 15, T13N, R14E, MDB&M;
- PORD 4) Robbs Peak Reservoir located within the SW¼ of the NE¼ of Section 27, T13N, R14E, MDB&M;
- PORD 5) Union Valley Reservoir located within the SW¼ of the SW¼ of Section 20, T12N, R14E, MDB&M;
- PORD 6) Junction Reservoir located within the SW¼ of the SW¼ of Section 30, T12N, R14E, MDB&M;
- PORD 7) Camino Reservoir located within the SW ¼ of the NW ¼ of Section 4, T11N, R13E, MDB&M;
- PORD 8) Brush Creek Reservoir located within the NW¼ of the SE¼ of Section 10, T11N, R12E, MDB&M;
- PORD 9) Slab Creek Reservoir located within the SE¼ of the NW¼ of Section 25, T11N, R11E, MDB&M;
- PORD 10) Chili Bar Reservoir located within the NE¼ of the SW¼ of Section 25, T11N, R10E, MDB&M.

Amount, Season of Diversion and Purpose of Use:

Direct Diversion

Point of Diversion	Purpose of Use	Amount		Season of Diversion	
		Rate (cfs)	Acre-feet annually (afa)	Beginning date	Ending date
POD 1 – Rubicon Reservoir	Hydroelectric Power Generation	800	The total amount to be directly diverted from this source under this application and under License 11074 will not exceed 410,000 afa. The total amount to be directly diverted to beneficial use	January 1	December 31
POD 2 – Buck Island Reservoir	Hydroelectric Power Generation	160		January 1	December 31
POD 3 – Loon Lake Reservoir	Hydroelectric Power Generation	950		January 1	December 31
POD 4 – Gerle Creek Reservoir	Hydroelectric Power Generation				

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POD 5 – Robbs Peak Reservoir	Hydroelectric Power Generation		(flow through Robbs Peak Powerhouse) under this application and under License 11074 will not exceed 405,000 afa.		
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Storage

Point of Storage	Purpose of Use	Amount ¹	Season of Collection	
		Acre-feet annually (afa)	Beginning date	Ending date
Rubicon Reservoir	Hydroelectric Power Generation and Recreation	1,550	October 1	September 30
Buck Island Reservoir	Hydroelectric Power Generation, Recreation, Fishery and Wildlife Protection/Enhancement	760	October 1	September 30
Gerle Creek Reservoir	Hydroelectric Power Generation and Recreation	1,200	October 1	September 30
Robbs Peak Reservoir	Hydroelectric Power Generation	100	October 1	September 30

¹ The maximum total amount of water to be collected to storage from all sources under this application and existing License 11074 will not exceed 226,900 afa, the existing storage limitation of License 11074.

Place of Use:

Powerplant	Use Within	Section	Township	Range	Base and Meridian
Loon Lake Powerhouse	NE ¼ of NE ¼	18	13N	15E	MDM&M
Robbs Peak Powerhouse	NE ¼ of SW ¼	11	12N	14E	MDB&M
Union Valley Powerhouse	SW ¼ of SW ¼	20	12N	14E	MDB&M
Jaybird Powerhouse	NE ¼ of NW ¼	4	11N	13E	MDB&M
Camino Powerhouse	SW ¼ of SE ¼	15	11N	12E	MDB&M
Slab Creek Powerhouse	SE ¼ of NW ¼	25	11N	11E	MDB&M
White Rock	NW ¼ of NE ¼	31	11N	11E	MDB&M

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Powerhouse					
Chili Bar Powerhouse	NE ¼ of SW ¼	25	11N	10E	MDB&M

Summary of Application 31596

County: El Dorado

Points of Diversion (POD) and Sources:

POD 1) Rubicon Reservoir

Source: Rubicon River tributary to Middle Fork American River thence American River;

Location: within the NW ¼ of the SW ¼ of Section 9, T13N, R16E, MDB&M.

POD 2) Buck Island Reservoir

Source: Little Rubicon River (aka Rockbound/Highland Creek) tributary to Rubicon River thence Middle Fork American River thence American River;

Location: within the SW ¼ of the NW ¼ of Section 6, T13N, R16E, MDB&M.

POD 3) Loon Lake Reservoir

Source: Gerle Creek tributary to South Fork Rubicon River thence Rubicon River thence Middle Fork American River thence American River;

Location: within the SE ¼ of the NE ¼ of Section 5, T13N, R15E, MDB&M.

POD 4) Gerle Creek Reservoir

Source: Gerle Creek tributary to South Fork Rubicon River thence Rubicon River thence Middle Fork American River thence American River;

Location: within the SE ¼ of the SW ¼ of Section 15, T13N, R14E, MDB&M.

POD 5) Robbs Peak Reservoir

Source: South Fork Rubicon River tributary to Rubicon River thence Middle Fork American River thence American River;

Location: within the SW ¼ of the NE ¼ of Section 27, T13N, R14E, MDB&M.

POD 6) Union Valley Reservoir

Source: South Fork Silver Creek tributary to Silver Creek thence South Fork American River thence American River;

Location: within the SW ¼ of the SW ¼ of Section 20, T12N, R14E, MDB&M.

POD 7) Junction Reservoir

Source: Silver Creek tributary to South Fork American River thence American River;

Location: within the SW ¼ of the SW ¼ of Section 30, T12N, R14E, MDB&M.

POD 8) Camino Reservoir

Source: Silver Creek tributary to South Fork American River thence American River;

Location: within the SW ¼ of the NW ¼ of Section 4, T11N, R13E, MDB&M.

POD 9) Brush Creek Reservoir

Source: Brush Creek tributary to South Fork American River thence American River;

Location: within the NW ¼ of the SE ¼ of Section 10, T11N, R12E, MDB&M.

POD 10) Slab Creek Reservoir

Source: South Fork American River tributary to American River;

Location: within the SE ¼ of the NW ¼ of Section 25, T11N, R11E, MDB&M.

POD 11) Chili Bar Reservoir

Source: South Fork American River tributary to American River;

Location: within the NE ¼ of the SW ¼ of Section 25, T11N, R10E, MDB&M.

Points of Rediversion (PORD):

- PORD 1) Buck Island Reservoir located within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 6, T13N, R16E, MDB&M;
- PORD 2) Loon Lake Reservoir located within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, T13N, R15E, MDB&M;
- PORD 3) Gerle Creek Reservoir located within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, T13N, R14E, MDB&M;
- PORD 4) Robbs Peak Reservoir located within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, T13N, R14E, MDB&M;
- PORD 5) Union Valley Reservoir located within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, T12N, R14E, MDB&M;
- PORD 6) Junction Reservoir located within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, T12N, R14E, MDB&M;
- PORD 7) Camino Reservoir located within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T11N, R13E, MDB&M;
- PORD 8) Brush Creek Reservoir located within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, T11N, R12E, MDB&M;
- PORD 9) Slab Creek Reservoir located within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, T11N, R11E, MDB&M;
- PORD 10) Chili Bar Reservoir located within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, T11N, R10E, MDB&M.

Amount, Season of Diversion and Purpose of Use:

Point of Storage	Purpose of Use	Amount ¹	Season of Collection	
		Acre-feet annually	Beginning date	Ending date
Camino Reservoir	Hydroelectric Power Generation and Recreation	1,400	October 1	September 30
Junction Reservoir	Hydroelectric Power Generation and Recreation	6,300	October 1	September 30
Brush Creek Reservoir	Hydroelectric Power Generation and Recreation	2,500	October 1	September 30
Slab Creek Reservoir	Hydroelectric Power Generation and Recreation	17,000	October 1	September 30

¹ The total amount of water to be collected to storage from all sources under Application 31596 and SMUD's existing water right Licenses 11073 and 11074 shall not exceed 465,800 acre-feet, which is the combined existing storage limitation in Licenses 11073 and 11074.

Place of Use:

Powerplant	Use Within	Section	Township	Range	Base and Meridian
Jaybird Powerhouse	NE ¼ of NW ¼	4	11N	13E	MDB&M
Camino Powerhouse	SW ¼ of SE ¼	15	11N	12E	MDB&M
Slab Creek Powerhouse	SE ¼ of NW ¼	25	11N	11E	MDB&M
White Rock Powerhouse	NW ¼ of NE ¼	31	11N	11E	MDB&M
Chili Bar Powerhouse	NE ¼ of SW ¼	25	11N	10E	MDB&M

Federal Preemption of State Water Right Law With Respect to Regulation of Federally Licensed Hydropower Facilities

The UARP is subject to federal regulation by the Federal Energy Regulatory Commission (FERC) and is required to operate in accordance with the requirements of its federal power license. Application of state water right law to federally licensed hydropower projects is subject to preemption except as appropriate for regulation and protection of proprietary water rights. (*California v. Federal Energy Regulatory Commission* (1990) 495 U.S. 490; *Sayles Hydro Assocs. V. Maughan* (9th Cir. 1993) 985 F. 2d 451.) Due to federal preemption of state law, the State Water Board will not evaluate the effects of the proposed water diversions on fish, wildlife, or other instream beneficial uses in the context of processing these water right applications, nor will the State Water Board accept protests to the applications that are based on potential environmental effects or potential injury to public trust resources. The State Water Board will determine what conditions are required to protect water quality in its review of the application for water quality certification for the UARP in connection with the relicensing proceeding before FERC.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on interference of the proposed project with prior water rights. Due to federal preemption of state law as explained above, the State Water Board will not accept protests to the applications that are based on potential environmental effects, injury to public trust resources or other grounds not related to protection of proprietary water rights.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. Any protest based on interference with prior water rights must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the State Water Board is subject to vested water rights and will include conditions to protect such rights.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of

the protest.

If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division's website at www.waterrights.ca.gov/forms/ or upon request, in writing or by telephone, from the Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on **December 11, 2006** (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 2nd Floor (File Room), Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "major" project (the proposed diversion is greater than 3 cubic feet per second by direct diversion or greater than 200 acre-feet per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the State Water Board following an evidentiary hearing.

Contact Person

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To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Kate Gaffney by phone at (916) 341-5360 or by electronic mail at KGaffney@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **October 12, 2006**

KMGaffney:kmg:10-12-06

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